

In the United States Court of Appeals for the
Federal Circuit

27-35 JACKSON AVE, LLC,

Plaintiff,

V.

THE UNITED STATES,

Defendant.

Case No. 23-1122

Appeals from the United States Court of Federal Claims in

Case No.: 16-947 C, Judge David A. Tapp

UNOPPOSED MOTION FOR EXTENSION

Pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure and Rule 26(b) of the Federal Circuit Rules, Plaintiff-Appellant, 27-35 JACKSON AVENUE LLC, respectfully moves to extend the deadline for Appellant's principal briefs as follows:

	Current Cue Date	Proposed Date
Appellant’s Principal Briefs	January 3, 2023	March 3, 2023

There have been no previous extensions granted in this case. None of the parties to the appeal oppose this motion; Defendant, THE UNITED STATES, has consented to the relief sought.

Good cause exists for this motion. The proposed extensions of Appellant's principal briefs will account for the undersigned's obligation in other matters to other courts primarily prompted

by the sudden and unexpectedly loss of instrumental professional staff who had been working on this matter, some of whom are expected to return shortly after the current deadline.

Accordingly, Appellants respectfully request an extension of the deadline for Appellants' principal briefs by sixty (60) days, from January 3, 2023 to March 3, 2023. An attorney declaration supporting this proposed extension is attached hereto.

Dated: December 14, 2022

Respectfully Submitted,



By: Jeffrey W. Varcadipane, Esq.
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DECLARATION OF JEFFREY W. VARCADIPANE

Pursuant to 28 U.S.C. § 1746, I Jeffrey W. Varcadipane, declare as follows:

1. I am an attorney duly licensed and admitted to practice before this Court and a member of the law firm of Varcadipane & Pinnisi, PC. I am counsel for the Plaintiff-Appellant, 27-35 JACKSON AVE, LLC, in the above-captioned appeal. I have personal knowledge of the facts in this declaration in support of the Unopposed Motion for Extension, filed concurrently herewith.

2. I make this declaration as required by Federal Circuit Rule 26(b)(5) to demonstrate good cause for an extension that exceeds 14 days.

3. Under the existing schedule, Appellant's principal briefs are due on January 3, 2022.

4. While I am the attorney primarily responsible for drafting Appellant, 27-35 JACKSON AVE, LLC's principal brief, I rely upon other members of my team who include an associate attorney, law clerk and paralegal to assist with what is an extraordinarily document-intensive matter (i.e., over 30,000 pages of documents having been produced in discovery).

5. At all relevant times, our firm has consisted of approximately five attorneys, a law clerk, two to three paralegals and a support staff. One of partner attorneys has been out since early fall on maternity and expected to return in January. Over the Thanksgiving holiday, the associate primarily assisting me with this matter was involved in a serious motor vehicle accident and as a result of her injuries is out on medical leave until at least the end of the year. My law clerk, who was also heavily involved with the briefing on the summary judgment motions that are now the subject of the pending appeal, is also on leave until the new year attending to his final exams. In

addition, the paralegal primarily assisting with the motions and trial preparation in this matter, unexpectedly and abruptly resigned on November 30, 2022 without any advance notice.

6. Accordingly, I am presently the only attorney handling all appearances, motions, depositions and other proceedings on my matters within the firm's practice.

7. In light of the above, Appellant, 27-35 JACKSON AVE, LLC, respectfully requests an extension of the current deadline for Appellant's principal briefs to March 3, 2022.

8. Counsel for Appellant have discussed this proposed extension with counsel for Defendant, The United States, who indicated that there was not opposition to the request.

9. Appellant, 27-35 JACKSON AVE, LLC, does not seek any unnecessary delay from the extension requested here, but only to ensure sufficient time to prepare its principal brief.

10. There is good cause for this extension of time based on the foregoing.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 14, 2022, in New York, New York.


By: Jeffrey W. Varcadipane, Esq.

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 23-1122

Short Case Caption: 27-35 JACKSON AVE, LLC v. THE UNITED STATES

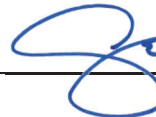
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The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

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Date: December 14, 2022

Signature: _____



Name: _____

Jeffrey W. Varcadipane, Esq.